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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,415	09/27/2004	Roland N. Walker	12160.4	8436
7590 06/13/2005				
KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			EXAMINER EVANS, ANDREA HENCE	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

N.P.

Office Action Summary	Application No. 10/672,415	Applicant(s) WALKER ET AL.	
	Examiner Andrea H. Evans	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Roulleau (5142976).

Referring to claim 1, Roulleau teaches a method for providing an image on an organic product, the method comprising the steps for: creating an image on a transfer medium (See Column 1, lines 39-44); and transferring the image onto an organic product (See Column 1, lines 44-49).

Referring to claim 2, Roulleau teaches the method, wherein the step for creating an image comprises the steps for: creating a first image on a cliché (See Column 1, lines 39-40); applying ink to the cliché (See Column 1, lines 40-41); and lifting at least a portion of the ink from the cliché to form a second image, wherein the second image is the image created on the transfer medium (See Column 1, lines 42-46).

Referring to claim 3, Roulleau teaches a method, wherein the step for lifting comprises the steps for: placing the transfer medium in contact with the cliché; and removing the transfer medium from the cliché (See Column 1, lines 43-46).

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Referring to claim 4, Roulleau teaches a method, wherein the step for creating further comprises the step for removing excess ink applied to the cliché (See Column 1, lines 40-43).

Referring to claim 8, Roulleau teaches a method, further comprising the step for allowing the transferred image to set. (See Column 1, lines 4-8). Examiner notes that the image is set when it is affixed to the eggs.

Referring to claim 10, Roulleau teaches a method, wherein the image transferred onto the organic product comprises at least one of: (i) a character (See Column 1, line 12); (ii) a number; (iii) a logo; (iv) a picture; (v) a symbol; (vi) a design; (vii) an icon; or (viii) a trademark.

Referring to claim 16, Roulleau teaches a system for providing an image on an organic product, the system comprising: a portion of an organic product (See Column 1, lines 4-8); a transfer medium (See Column 1, line 37); and an image, wherein the image is located on a portion of the transfer medium and is used to provide a transferred image onto the organic product (See Column 1, lines 44-46).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roulleau in view of Lampinski (6314880).

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Referring to claim 5, Roulleau teaches all that is claimed as discussed above. Roulleau does not teach a method wherein the step for creating a first image comprises the step for etching the first image into the cliché. Lampinski teaches the step for creating a first image comprises the step for etching the first image into the cliché (See Column 3, lines 40-62 and Column 4, lines 67 – Column 5, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roulleau such that the first image is created by etching it into the cliché to produce a high quality image on a plate as taught by Lampinski.

Referring to claim 6, Roulleau teaches all that is claimed as discussed above. Roulleau does not teach a method wherein the cliché comprises a photosensitive material. Lampinski teaches a method wherein the cliché comprises a photosensitive material (See Column 5, lines 37-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roulleau such that the cliché comprises a photosensitive material so that the cliché can polymerize under the action of radiation as taught by Lampinski.

Referring to claim 7, Roulleau teaches all that is claimed. Roulleau does not teach a method wherein step for etching comprises the steps for: providing a third image; creating a film positive of the third image; and exposing the photosensitive material through a wash out process to etch the third image into the photosensitive material. Lampinski teaches a method wherein step for etching comprises the steps for: providing a third image (Examiner notes that Lampinski teaches creating multiple images); creating a film positive of the third image; and exposing the photosensitive material through a wash out process to etch the third image into the photosensitive material (See Column 3, lines 41-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roulleau wherein etching comprises

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providing a third image; creating a film positive of the third image; and exposing the photosensitive material through a wash out process to etch the third image into the photosensitive material to create images with a variety of colors using an etching technique combined with pad printing as taught by Lampinski.

Referring to claim 19, Roulleau teaches a system, further comprising a cliché, wherein the cliché includes an engraved image that is at least partially filled with ink to place the image on the portion of the transfer medium (See Column 1, lines 39-44). Roulleau does not teach an etched image. Lampinski teaches an etched image on the cliché (See Column 4, lines 67 – Column 5, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roulleau to include an etched image to produce a high quality image on a plate as taught by Lampinski.

Referring to claim 20, Roulleau teaches a system, wherein the cliché includes a plate, and wherein the transfer medium includes one of: (i) a pad (See Column 1, line 37); or (ii) a roller.

5. Claims 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roulleau in view of Skonecki (5305550).

Referring to claim 9, Roulleau teaches all that is claimed as discussed above. Roulleau does not teach a method wherein the organic product comprises at least a portion of: (i) a flower; (ii) a fruit; or (iii) a plant. Skonecki teaches printing on a flower (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roulleau to print on a flower so that the user can print a personalized message or drawing on one of its petals as taught by Skonecki.

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Referring to claim 17, Roulleau teaches all that is claimed as discussed above. Roulleau does not teach a system, wherein the organic product is a flower. Skonecki teaches printing on a flower (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roulleau to print on a flower so that the user can print a personalized message or drawing on one of its petals as taught by Skonecki.

Referring to claim 18, Roulleau teaches all that is claimed as discussed above. Roulleau does not teach a system wherein the portion is one of: (i) a petal; or (ii) a leaf. Skonecki teaches a system wherein the portion is one of: (i) a petal (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roulleau to print on a flower so that the user can print a personalized message or drawing on one of its petals as taught by Skonecki.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans, ESQ

AHE

A handwritten signature in black ink, appearing to read "Andrew H. Hirshfeld", is positioned above the printed name and title.

ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800